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10/019,674

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EXAMINER

DAGNEW, SABA

ART UNIT

PAPER NUMBER

4132

MAIL DATE

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11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|---|--|
| Office Action Summary | Application No. 10/019,674 | Applicant(s) MICHENER, STEVEN ARTHUR | |
| | Examiner Saba Dagnew | Art Unit 4132 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 14 and 15 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims are depend from another multi-dependant claim. See MPEP § 608.01(n). Accordingly, the claims 14 and 15 does not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by May (6,317,727).

With respect claim 13, May teaches a transaction method executed on a computer system connected to a communications network, including executing trades of event coupons between parties, said coupons having being conducted at price less that said predetermined value (Fig. 1 and Fig. 15). May's reference in Fig. 1 and 15 teaches a computer system connected to a communication network to execute trades of event between to parties and bid having being conducted at price less than said predetermined value. Additionally, May's reference teaches in (Col. 42, lines 21-33 and Col 43, lines 4-7), teaches maximum numbers of tickets, which are

coupons, are generated when order made at the auction price, which is the same as claimed invention

With respect to claim 16, May teaches a transaction system for event coupons, including: a web server for communicating information to parties to trade event coupons, said coupons having a predetermined value if an event occurs and no value if event does not occur (Fig. 1 and Fig. 15); May's reference teaches that web server, which is public Internet in fig. 1, 16 communicating information to parties when an event occurs and said coupon having a predetermined valued if event occur, which is the same as claimed invention

a transaction engine for executing transaction between said parties to complete trades such as buying and selling of said coupons at price less that predetermined value (Fig. 16 and Col. 41, lines 12-28); May's reference Fig. 16, teaches selling and buying at the displayed price, which is the same as claimed invention; and a database system for marinating data on said parties, such as account data (Col. 12, lines 47-61). May's reference teaches database system that maintaining information or data on said parties, which is the same as claimed invention.

With respect to claim 17, May teaches all elements of claim 16. Furthermore, May teaches a transaction system, wherein said account data represents a cash account of funds for a party and a coupon account of coupons held by said party (Col. 1, lines 35-50 and Col. 22, table 1). May teaches transaction system, which is trading system's account data represent limited to specific market such as cash, and a coupon account held by the party, which is the same as claimed invention.

With respect to claim 18, a transaction system as claimed in claim 17, including a payment system for executing payment transaction over said communication network to place

fund in said cash account (Col. 22, Table 1). May's reference teaches a payment transaction each trader workstation, which is the same as claimed invention.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over May (6,317,721) in view of Kelly (6,007,426)

With respect to claim 1, May teaches a transaction method, including:

receiving an acceptance of said order from a second party (Fig. 27A, 556 and Col 50, lines 13-15); May's reference teaches that the first party received acknowledgment of the execution of the trade from the second party, which is the same as claimed invention;

decreasing an account of said first party by said price (Col. 23, lines 1-14); May's reference teaches that decreasing the corresponding amount to the trade from the first party account until no remaining credit left, which is the same as claimed invention; and

decreasing an account of said second party by said value less said price (Col. 23, lines 1-14). May's reference teaches that decreasing the corresponding amount to the trade from the second party account until no remaining credit left, which is the same as claimed invention.

receiving and communicating an order from a first party a coupon at a price less than a predetermined value, (Fig. 27B, 560, Fig. 15 and Col. 35, lines 25-35), May's reference teaches

that the first party communicated and made a request for said Bid price less than predetermine value (which is asked price).

May's reference teach all elements as claimed above except coupon having said value if an event occurs and no value if said event does not occur and issuing said coupon to said first party. Kelly teaches a method of coupon having a value when event occur and no value when event does not occur (Fig. 9A and Col. 3, lines 30-33); and

issuing said coupon to said first party (Col. 3, lines 30-33);

Kelly's reference teaches that the selected price is provided to the player after the player has won, which the coupon has a value when event occur is the same as claimed invention. It would have been obvious to one ordinary skill in the art to modify May's invention with Kelly's teaching reference for the purpose of encouraging players to return to the current gaming environment or location more quickly.

With respect to claim 2, May in view of Kelly teaches all elements of claim 1, except a transaction method issuing a counter coupon to said second party, said counter coupon having said value if said events does not occur and having no value if said event occurs.

Kelly teaches a transaction method issuing a counter coupon to said second party, said counter having said value if said event doesn't occur and having no value event occurs (Fig. 6). Kelly's reference teaches that the player wins, event is occurred, the player receive credit tickets, which counter coupon to the winners account, since the event occurred counter coupon has no value for the second player, which is the same as claimed invention. It would have been obvious to one ordinary skill in the art to modify May's invention with Kelly's teaching reference for the purpose of providing users with specific price (abstract).

With respect to claim 3, May in view of Kelly teaches all elements to claims 1 and 2. Furthermore, May teaches a transaction method wherein said order is for a plurality of said coupon (Col. 42, lines 21-33 and Col 43, lines 4-7). May's reference teaches that maximum numbers of tickets, which are coupons, are generated when order made at the auction price, which is the same as claimed invention.

With respect to claim 4, May in view of Kelly teaches all elements of claims 1, 2 and 3, except transaction method wherein when said plurality of coupons are issued, a plurality of said counter coupon corresponding thereto are issued (Col. 42, lines 21-33 and Col 43, lines 4-7). May's reference teaches that maximum numbers of tickets, which are coupons or counter coupon are generated and issued, which is the same as claimed invention.

With respect to claim 5, May in view of Kelly teaches all elements of claim 1 including coupon or tickets. Furthermore, May teaches a transaction method including receiving and communicating and an offer from a party to sell at least one coupon at a sell price (Col. 9, lines 27-44). May's reference teaches that receiving and communication an offer from a bidder to be willing to enter into a transaction with the counterparty, which is selling at least a ticket, which is the same as claimed invention.

With respect to claim 6, May in view of Kelly teaches all elements of claims 1 and 5, including receiving acceptance of said offer from another party, increasing an account of second party by said sell price, decreasing an account of said another party by said sell price, except transferring said at least one coupon from said party to said another party. Kelly teaches transferring said at least one coupon form said party to said another party (Col. 35, lines 19-38). Kelly teaches ticket, which is coupon transferred to the player of the game, which is the same as

claimed invention. It would have been obvious to one ordinary skill in the art to modify May's invention by Kelly's invention for the purpose of determining net profit by subtracting any other cost accrued (col. 35, lines 14-15).

With respect to claim 7, May in view of Kelly teaches all elements of claim 1, furthermore, May teaches a transaction method including receiving and communicating an offer from a party to buy at least one coupon at a buy price (Fig. 23). May reference teaches that in Fig. 23 bid, which is coupon displayed for sell for a party to buy the bid at sell price, which is the same as claimed invention.

With respect to claim 8, May in view of Kelly teaches all elements of claims 1 and 7. Furthermore, May teaches a transaction method, including receiving acceptance of said offer from another party, decreasing an account of said party by said buy price and increasing an account of said another party by said price and transferring said at least one coupon from said another party to said party (Col. 23, lines 1-14); May's reference teaches that decreasing the corresponding amount to the trade from the first party account until no remaining credit left, which is the same as claimed invention.

With respect to claim 9, May in view Kelly teaches all elements of claim 1, furthermore, May teaches a transaction method including allowing trading in said coupons before determination of said event (Col. 20, lines 56-61 and Col. 46, lines 61-64), and said increasing the account of party by said value for each coupon held by said party when said event occurs (Col.37, lines 30-58). May's reference teaches a method that allows trading coupon before the determination of the event and increasing the account of the party and increase the quantity as many times as amount addition is agreed, which is the same as claimed invention.

With respect to claim 10, May in view of Kelly teaches all elements of claims 1 and 2. Furthermore, May teaches a transaction method, including allowing trading in said coupons before determination of said event (Col. 20, lines 56-61 and Col. 46, lines 61-64),, and said increasing the account of party by said value for each coupon held by said party when said event does not occur(Col.37, lines 30-58). May's reference teaches a method that allows trading coupon before the determination of the event and increasing the account of the party and increase the quantity as many times as amount addition is agreed, which is the same as claimed invention.

With respect to claim 11, May in view of Kelly teaches a transaction method including: receiving an acceptance of said request from a second party(Fig. 27A, 556 and Col 50, lines13-15); May's reference teaches that the first party received acknowledgment of the execution of the trade from the second party, which is the same as claimed invention;

decreasing an account of said first party by said price(Col. 23, lines 1-14). May's reference teaches that decreasing the corresponding amount to the trade from the second party account until no remaining credit left, which is the same as claimed invention; and

increasing an account of said second party by said price (Col. 21, lines 55-67 and Col. 22, line 1). May's reference teaches that both counterparties can change by negotiating new value, which is the same as increasing account of said second party by said price.

receiving and communicating a request from a first party for a coupon at a price less than a predetermined value (Fig. 27B, 560 and Col. 35, lines 25-35), May's reference teaches that the first party communicated and made a request for said bid price less that predetermined value, which is asked price, May reference teaches communicating and requesting a bid price instead of coupon. However, Kelly teaches coupon having said value if an event occurs and no value if

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said event does not occur (Fig. 9A and Col. 3, lines 30-33); Kelly's reference teaches the selected price is provided to the player after the player has won, which the coupon has a value when event occurred is the same as claimed invention. It would have been obvious to one ordinary skill in the art to modify May's invention with Kelly's teaching reference for the purpose of encouraging players to return to the current gaming environment or location more quickly.

transferring said coupon from said second party to said first party (Col. 35, lines 19-38). Kelly teaches ticket, which is coupon transferred to the player of the game, which is the same as claimed invention. It would have been obvious to one ordinary skill in the art to modify May's invention by Kelly's invention for the purpose of determining net profit by subtracting any other cost accrued (col. 35, lines 14-15).

With respect to claim 12, May in view of Kelly teaches all elements of claim 1. Furthermore, May teaches a transaction method executed by a server system connected to a communications network for communicating with said parties (Fig. 1). May's reference in Fig 1, teaches a transaction method executed by the server connected to a communication network, which is the same as claimed invention.

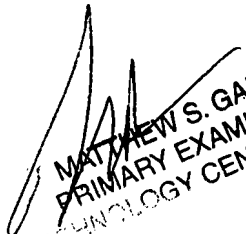
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Dagnew whose telephone number is (571) 270-3271. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Saba Dagnev
October 25, 2007


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